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The Administrative Record Staff



Department of Energy

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JUN 22 1995

95-DOE-08473

Mr. Martin Hestmark  
U. S. Environmental Protection Agency, Region VIII  
ATTN: Rocky Flats Project Manager, 8HWM-RJ  
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Denver, Colorado 80202-2405

Mr. Joe Schieffelin, Unit Leader  
Hazardous Waste Control Program  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, Colorado 80222-1530

Gentlemen:

The Department of Energy (DOE) is in receipt of your June 8, 1995 letter, jointly issued by the Colorado Department of Public and Environment (CDPHE) and the Environmental Protection Agency (EPA). In this letter, both agencies disapproved the DOE's Operable Unit 1 (OU1) Proposed Plan (PP) recommending "No Action." By letter dated June 16, 1995, we responded to comments offered by both the CDPHE and the EPA.

We are also in receipt of the June 20, 1995 letter issued by the CDPHE. The CDPHE letter approved all the comments we offered, except the locations of the monitoring wells and action levels. The parties have disagreed for several months over the location for the wells and action levels and there appears little chance of resolving this matter at the technical staff level. Moreover, it does not appear that constructive progress on closing out OU1 can be made until this impasse is resolved. Accordingly, the DOE, in accordance with Part 12 of the Interagency Agreement (IAG), is initiating dispute resolution for OU1.

The nature of this dispute is whether DOE's recommended action in the PP is appropriate. We believe the available risk data provides the basis for concluding that the contamination remaining in the ground at OU1 (e.g., IHSS 119.1) poses little current or future potential threat to human health or the environment. Additionally, DOE contends that the contaminated plume is in a protective state, since activating the French Drain would prevent contamination from migrating to Woman Creek.

The DOE, as a demonstration of our good faith and willingness to seek an amicable decision, has taken the extra step to propose groundwater monitoring and institutional controls at the Site with full acknowledgment that the use of institutional controls is a limited action that may require application of Applicable or Relevant and Appropriate Requirements (e.g., Colorado (state wide) groundwater standards). The DOE believes that any action in excess of groundwater monitoring and institutional controls is an intemperate use of limited resources, especially given the protective state and the low risk levels at OU1.

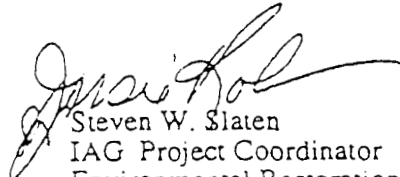
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We are invoking this dispute in good faith and are ready to discuss this issue at the Project Coordinator Level. However, since the Project Coordinators have been involved in the decision making process thus far, DOE is concerned that resolution may not be reached in a timely manner and immediate elevation of this issue is recommended.

If you have comments or have any specific questions, please call Dave George, the DOE OUI Project Manager at 966-5669.

Sincerely,



Steven W. Slaten  
IAG Project Coordinator  
Environmental Restoration

cc:

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